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Attorneys for Plaintiff RED HAT, INC.

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION**

RED HAT, INC.,

Plaintiff,

v.

VIRTAMOVE, CORP.,

Defendant.

CASE NO. 5:24-CV-04740-PCP

**DECLARATION OF BRANDON H.
BROWN IN SUPPORT OF
PLAINTIFF RED HAT'S
ADMINISTRATIVE MOTION TO
CONSIDER WHETHER
DEFENDANT'S MATERIALS
SHOULD BE SEALED**

Judge: Hon. P. Casey Pitts
Courtroom: 8, 4th Floor

1 I, Brandon H. Brown, declare as follows:

2 1. I am an attorney licensed to practice law in California and am a partner with the law firm of
3 Kirkland & Ellis LLP, located at 555 California Street, San Francisco, CA 94104. I am counsel for
4 Plaintiff Red Hat, Inc. ("Plaintiff" or "Red Hat") in this action. I submit this declaration pursuant to
5 Civil Local Rules 79-5(c) and (f) in support of Plaintiff Red Hat's Administrative Motion to Consider
6 Whether Defendant's Materials Should be Sealed (the "Motion"). I have knowledge of the facts set
7 forth herein, and if called to testify as a witness, could do so competently under oath.

8 2. Plaintiff's Reply in Support of Its Contingent Motion to Conduct Jurisdictional Discovery
9 ("Reply") includes references to deposition transcripts that have been designated "Confidential –
10 Attorneys' Eyes Only" by Defendant VirtaMove Corp. ("VirtaMove").

11 3. Exhibit 1 to the Reply is an excerpt of the October 10, 2024 deposition of Susan Cameron
12 taken in *VirtaMove Corp. v. Hewlett Packard Enter. Co., et al.*, Case No. 2:24-cv-00093-JRG.
13 VirtaMove has designated this entire document "Confidential – Attorneys' Eyes Only" under the
14 protective order entered in that matter. *See* Dkt. 60.

15 4. Exhibit 2 to the Reply is an excerpt of the August 27, 2024 deposition of Susan Cameron
16 taken in *VirtaMove Corp. v. Amazon.com, Inc., et al.*, Case No. 7:24-cv-00030. VirtaMove has
17 designated this entire document "Confidential – Attorneys' Eyes Only" under the protective order in
18 *VirtaMove Corp. v. International Business Machines, Corp.*, Case No. 2:24-cv-00093-JRG (Lead Case),
19 Case no. 2:24-cv-00064-JRG (Member Case). *See* Dkt. 60.

20 5. Red Hat requests that the Reply and Exhibits 1 and 2 be sealed because VirtaMove has
21 designed the exhibits "Confidential – Attorneys' Eyes Only" in the matters listed above.

22 6. I declare under penalty of perjury under the laws of the United States of America that the
23 foregoing is true and correct.

24 Executed on November 8, 2024 in San Francisco, CA.

25
26 /s/ Brandon H. Brown
27 Brandon H. Brown
28